



# Bill seeks to bring transparency to New Mexico's beleaguered CYFD

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In an attempt to protect the identities of children and families, the state Children, Youth and Families Department often cites the state's Children's Code, which greatly restricts disclosure about ongoing and past cases.

But critics have contended that lack of transparency has allowed the beleaguered agency to function without much oversight or accountability.

Some of that may change with House Bill 10, scheduled to be heard before the House Health and Human Services Committee Wednesday morning.

Under the proposed bill, the public release of department information "shall be construed as openly as

possible under federal and state law.”

“The reason this bill is important is because the two things that will make a difference in these cases is transparency and accountability of CYFD and the system,” said Alison Endicott-Quñones, the legal director of Advocacy Inc., the largest provider of legal representation for children in foster care in New Mexico. “The only way people will know what’s happening is through transparency of that system. You can’t fix something you can’t see and there are too many pieces involved in our system that are broken.”

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The bill makes it more difficult to exclude members of the accredited media from attending hearings about kids, and makes the court docket number pertaining to the case part of the public record.

“The goal is to open up CYFD at the same time that we protect the privacy and identity of children and their families who become involved with CYFD,” said bill sponsor Rep. Marian Matthews, D-Albuquerque.

Matthews has been an outspoken critic of CYFD, and the bill is one of more than 30 child welfare bills that have been filed at the Roundhouse.

CYFD has been sued by multiple plaintiffs in recent years when children died from abuse after CYFD returned them to a home despite repeated complaints. And the agency has been the target of tough questions during committee hearings this session.

HB 10 would allow the identification of a child to be made public in certain circumstances, including when a child is missing or abducted, in danger of serious injury or death unless immediate action is taken, and when the child or parents have been publicly identified through the media, court documents or other non-CYFD sources.

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The bill allows for more information to be given to a foster parent, prospective foster parent, grandparent, sibling or relative being considered for placement about the social, medical, psychological or educational needs of the child.

Under the current Children's Code as regards to abuse and neglect, no party to a case could talk about the case or release information about it. The bill would remove that prohibition and allow parties to the case to

comment as long the child or the parents are not identified.

The bill greatly expands information that can be released about a case involving a child who has died as a result of abuse or neglect. Not only can the child's name be released, but also the child's age, gender, date and location of death; cause of death if known; whether the child was in CYFD custody or was under investigation by the department within the last five years; where the child was living at the time of death; whether CYFD or law enforcement agencies are investigating the death; a detailed synopsis of prior reports of abuse or neglect of the child, siblings or other children in the home; and actions taken by CYFD to ensure the safety of other children in the home.

In cases of near death because of abuse, neglect or abandonment, all the above is applicable except the identity of the child, which cannot be disclosed. In addition, information about the extent of the child's injuries shall be disclosed, and when CYFD concludes its investigation it shall release its report to the public.

The bill requires that CYFD must create and maintain a public, easily accessible portal on its website disclosing mandated reports to the governor and/or Legislature on the number of fatalities or near fatalities of children in

the department's custody or in the home of a parent, custodian or guardian.

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The site also must include the number of children in CYFD custody and their average length of time in custody; the average number of placements in and out of state; the number of children in foster care and their length of time in foster care or living with relatives; the number of complaints alleging abuse and neglect and the number of investigations resulting from those complaints; the number of children who were removed from their homes and the reason for that removal; the number of children who have run away; the number of cases in which families who had court-ordered treatment plans or a voluntary placement agreement and who have absconded with those children who were in custody of CYFD.

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